

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JERRY SPICER,

Plaintiff,

v.

DR. RICHARDS,

Defendant.

Case No. C07-5109 FDB

ORDER ADOPTING REPORT AND
RECOMMENDATION DENYING
PLAINTIFF'S MOTION FOR
DECLARATORY RELIEF AND
GRANTING DEFENDANT'S
PARTIAL SUMMARY JUDGMENT

This matter comes before the Court on the Report and Recommendation of the Magistrate Judge that Plaintiff's motion for declaratory relief be denied and Defendant be granted partial summary judgment. Plaintiff has filed a one-page objection to the Report and Recommendation. The Court is not persuaded by Plaintiff's argument in response to the Magistrate Judge's Report and Recommendation.


Plaintiff filed this pro se civil rights action asking this Court to declare the Special Commitment Center (SCC) policies regarding (1) indigent residents, (2) access to sexually explicit media, and (3) the privilege system violate Plaintiff's constitutional rights as applied. The Defendant argued that Plaintiff was not entitled to declaratory relief and alternatively moved for summary judgment in his favor regarding the subject SCC policies.

The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom, the objection thereto, and the remaining record, does hereby find and ORDER:

ORDER - 1

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff's motion for declaratory relief (Dkt. # 12) is **DENIED**;
- (3) Defendant's motion for partial summary judgment (Dkt. # 13, #17) is **GRANTED**;
and
- (4) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants
and to the Hon. Karen L. Strombom.

DATED this 21st day of December, 2007.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE